

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:01CR219
)	
v.)	
)	
HOWARD L. MARION,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motions to reduce sentence (Filing Nos. 214 and 221), and the stipulation of the parties (Filing No. 222). Pursuant to the retroactive amendment to the cocaine base guidelines, the defendant's final offense level is reduced from 38 to 36. His criminal history category remains at III. The government and defense agree that his sentence should be reduced to eighty-two (82) months imprisonment, considering the prior computation of specific offense characteristics, adjustments, and departures. Accordingly,

IT IS ORDERED:

1) Said motions to reduce sentence are granted and the stipulation of the parties is approved and adopted; the sentence of the defendant is reduced to eighty-two (82) months.

2) The portion of defendant's motion (Filing No. 214) to appoint counsel is denied as moot.

3) The conditions of supervised release entered in the original judgment and committal order remain in full force and effect.

DATED this 2nd day of April, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court